IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI

THE ACTING CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

W.P. No. 5340 of 2002 &W.P.No.20426 of 2000

Writ Petition No.5340 of 2002.

Between:

1. Marlapalli Lakshmi W/o.Chodappa
R/o.Chodapalli Village, Atchuthapuram Mandal,
Visakhapatnam District.
2. Geddada Manikyam, S/o.Narasayya
R/o.Chodapalli Village, Atchuthapuram Mandal,
Visakhapatnam District.
3. Anusuri Yellayyamma W/o.Appanna
R/o.Chodapalli Village, Atchuthapuram Mandal,
Visakhapatnam District .
4. Dharmireddi Ramu Thalli W/o.Ram Naidu
R/o.Ramannapalem Village, Atchuthapuram Mandal,
Visakhapatnam District.
5. Dharmareddi China Rammurthi S/o.China Sanyasi
R/o.Ramannapalem Village, Atchuthapuram Mandal,
Visakhapatnam District.
6. Dharmareddi China Appalanaidu S/o.Sri Ramulu
R/o.Ramannapalem Village, Atchuthapuram Mandal,
Visakhapatnam District.
7. Peethana Apparao S/o.Bangaraiah
R/o.Chodapalli Village, Atchuthapuram Mandal,
Visakhapatnam District.

..... PETITIONERS

AND

1.The District Collector
Visakhapatnam District, Visakhapatnam.
2. The Mandal Revenue Officer,
Atchuthapuram Mandal, Visakhapatnam District.
3. The Superintendent of Police
Visakhapatnam Rural, Visakhapatnam.
4. Chodapalli Grampanchayath
rep.by its Executive Officer, Atchuthapuram Mandal,
Visakhapatnam District.
5. Kundrapu Ramaswamy S/o.Venkanna
R/o.Boghapuram and Chodapalli Village Atchuthapuram Mandal,
Visakhapatnam District.
6 The Secretary, Panchayat Raj Department, Govt. of A.P.,
Secretariat, Hyderabad.
7. The Commissioner, Panchayat Raj, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate writ or direction declaring that the continuation of the weekly shandy (on Fridays) in Sy.Nos.74/3 and 199/2 of Chodapalli Village, Atchuthapuram Mandal, Visakhapatnam District by the 5th respondent or any other person, without any licence, is illegal and unauthorised and for a consequential order directing the respondents to stop the weekly Shandy at the aforesaid place and also direct the respondents 1 to 3 to take effective steps for stopping the shandy at the aforesaid place and pass such other order or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioners: Mr. M.V.SURESH

Counsel for Respondent Nos.1,2, 6 & 7: GP FOR PANCHAYAT RAJ

AND RURAL DEVELOPMENT.

Counsel for Respondent No.3: G.P. for Home.

Counsel for Respondent No.4: Mr.D.Srinivas.

Counsel for Respondent No.5: Mr.T.S.Anand.

WRIT PETITION NO : 20426 of 2000

Between:

1. Kundrapu Ramaswamy, S/o Venku Naidu,

R/o Bhogapuram, Achyutapuram Mandal,
Visakhapatnam Distirct.
2. Kundrapu Nageswara Rao, S/o Ramaswamy,
R/o Bhogapuram, Achyutapuram Mandal,
Visakhapatnam Distirct.
3. Kundrapu Venkata Rao, S/o Ramaswamy,
R/o Bhogapuram, Achyutapuram Mandal,
Visakhapatnam Distirct.
4. Kundrapu Satyanarayana, S/o Venku Naidu,
R/o Bhogapuram, Achyutapuram Mandal,
Visakhapatnam Distirct.
5. Rajana Bhaskara Rao, S/o Pydayya Naidu,
R/o Bhogapuram, Achyutapuram Mandal,
Visakhapatnam Distirct.
6. Surada Satteyya, S/o Musalayya,
R/o Bhogapuram, Achyutapuram Mandal,
Visakhapatnam Distirct.
7. Duda Sotteppayya, S/o Rajanna,
R/o Bhogapuram, Achyutapuram Mandal,
Visakhapatnam Distirct.
8. Duda Rajayya, S/o Rajanna,
R/o Bhogapuram, Achyutapuram Mandal,
Visakhapatnam Distirct.
9. Chapala Someswara Rao, S/o Gurayya,
R/o Bhogapuram, Achyutapuram Mandal,
Visakhapatnam Distirct.

..... PETITIONERS

AND

1.The District Collector,
Visakhapatnam District, Viskhapatnam.
2. The Revenue Divisional Officer,
Narsipatnam, Visakhapatnam District.
3. The Mandal Revenue Officer,
Achyutapuram Mandal, Achyutapuram,
Visakhaptnam District.
4. Chodapalli Gram Panchayat, Rep. by its Executive Officer,
Achyutapuram Mandal, Visakhapatnam District.

5. The Gram Sarpanch, Chodapalli Gram Panchayat,

Achyuutapuram Mandal, Visakhapatnam District.

6. Village Administrative Officer, Chodapalli

Gram Panchayat, Achuutapuram Mandal, Visakhapatnam

District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the respondents 4 and 5 in granting permission to the petitioners to conduct private market in the land admeasuring Ac.1-97 cents situate in Sy.No.74/3 and 199/2 of Chodapalli Village, Achyutapuram Mandal, Visakhapatnam District as is being carried out from times immemorial as arbitrary, illegal, high-handed and violative of all cannons of law and justice and consequently direct the respondents not to interfere with the Petitioners to conduct the shandy operations and the Fair in the private Market in any manner whatsoever and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioners: Mr.T.S.ANAND

Counsel for the Respondent Nos. 1 to 3 &6: GP FOR REVENUE

Counsel for Respondent No.4: Mr.D.Srinivas.

Counsel for Respondent No.5: -----

The Court made the following :

ORAL COMMON ORDER:

(per Honourable Sri Bilal Nazki, the Acting Chief Justice)

W.P.No.5340 of 2002 has been filed seeking the relief that the 5th respondent should not be permitted to hold weekly Shandies at the site mentioned in the writ petition. It is the admitted case of the parties that the land in which Shandy is organised belongs to 5th respondent. Even it has been conceded by the Respondent No.2- Mandal Revenue Officer in his counter. Since the land belongs to the 5th respondent, therefore, no objection can be taken for using of the land by the said respondent. But, for conducting shandies in the said land, he will have to follow the Municipal Laws, and, if there are any restrictions in holding such shandies even in private land, then, those restrictions would apply to Respondent No.5. That is the matter, which will have to be considered by the concerned authorities. Therefore, we dispose of this writ petition with direction to the concerned authorities to strictly

comply with the Laws and pass appropriate orders in the matter.

Writ Petition No.20426/2000 has been filed by the 5th respondent in W.P.No.5340 of 2002 and some others. It is submitted that they have applied for requisite permission and their application is not being considered. This Writ Petition is also being disposed of with the consent of the parties with a direction to the respondents to consider the application of the petitioners and pass appropriate orders within a period of four weeks from the date of the receipt of a copy of this order.

Both the writ petitions are disposed of accordingly. No costs.

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BILAL NAZKI, ACJ.

10.6.2005.

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G.CHANDRAIAH, J.

VR.

To

1.The District Collector
Visakhapatnam District, Visakhapatnam.
2. The Mandal Revenue Officer,
Atchuthapuram Mandal, Visakhapatnam District.
3. The Superintendent of Police
Visakhapatnam Rural, Visakhapatnam.
4. The Secretary, Panchayat Raj Department, Govt. of A.P.,
Secretariat, Hyderabad.
5. The Commissioner, Panchayat Raj, Hyderabad.

5. The Gram Sarpanch, Chodapalli Gram Panchayat,

Achyuutapuram Mandal, Visakhapatnam District.

7. The Village Administrative Officer, Chodapalli

Gram Panchayat, Achuutapuram Mandal, Visakhapatnam

District.

8. Two CCs to Government Pleader for Panchayat Raj & Rural Development, High

Court Buildings, Hyderabad (OUT).

9. Two CCs to Government Pleader for Revenue, High Court Buildings, Hyderabad (OUT).

10. Two CD copies.